



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

Thomas Linn, Treasurer
Graf for Congress
111 S. Langley Avenue
Tucson, Arizona 85710

JUL 13 2006

RE: MUR 5526
Graf for Congress and
Thomas Linn, in his official capacity
as treasurer

Dear Mr. Linn:

On June 29, 2006, the Federal Election Commission accepted the signed conciliation agreement submitted by you and Graf for Congress in settlement of violations of 2 U.S.C. §§ 441d(a)(1) and 441d(c)(2), provisions of the Federal Election Campaign Act of 1971, as amended ("the Act"). Accordingly, the file has been closed in this matter.

Documents related to the case will be placed on the public record within 30 days. *See* Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondents and the Commission. *See* 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script that reads "Delbert K. Rigsby".

Delbert K. Rigsby
Attorney

Enclosure
Conciliation Agreement

26044151302

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 5526
Graf for Congress and)
Thomas Linn, in his official capacity as treasurer)
)

CONCILIATION AGREEMENT

This matter was initiated by a signed, sworn, and notarized complaint by Toni Hellon. The Federal Election Commission ("Commission") found reason to believe that Graf for Congress and Thomas Linn, in his official capacity as treasurer ("Respondents"), violated 2 U.S.C. § 441d(a)(1) and 2 U.S.C. § 441d(c)(2).

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. Graf for Congress is a political committee within the meaning of 2 U.S.C. § 431(4).
2. Thomas Linn is the treasurer of Graf for Congress.
3. Whenever a political committee makes a disbursement for the purpose of financing any communication through any broadcasting station, newspaper, magazine, outdoor advertising

26044151303

facility, mailing, or any other type of general public political advertising, such communication if paid for and authorized by a candidate, an authorized political committee of a candidate, or its agents, shall clearly state that the communication has been paid for by such authorized political committee. *See* 2 U.S.C. § 441d(a)(1).

4. Public communication is defined as, among other things, a mass mailing, which means a mailing by United States mail or facsimile of more than 500 pieces of mail of an identical or substantially similar nature within any 30-day period. 11 C.F.R. §§ 100.26 and 100.27.

5. Any disclaimer in a printed communication described in 2 U.S.C. § 441d(a) must be contained in a printed box set apart from the other contents of the communication. 2 U.S.C. § 441d(c)(2). *See also* 11 C.F.R. § 110.11(c)(2)(ii).

6. Respondents paid for a mailer that affixed a disclaimer "Paid for by Graf for Congress" in the return address location. The disclaimer was not contained in a printed box set apart from the other contents of the communication. *See* 2 U.S.C. § 441d(c)(2).

7. Respondents paid for a vote-by-mail request form that included a properly worded disclaimer. The disclaimer was not contained in a printed box set apart from the other contents of the communication. *See* 2 U.S.C. § 441d(c)(2).

8. Respondents paid for campaign signs that do not contain a disclaimer at all. A picture of one of the signs, attached to the complaint, shows that it contains the words "Randy Graf U.S. Congress" and the Committee's website address. Accordingly, the signs fall within the scope of 11 C.F.R. § 110.11(a), and should have included disclaimers.

26044151304

V. 1. Respondents disbursed funds for a mailer and vote-by-mail request form containing disclaimers that were not placed in a printed box set apart from the other contents of the communication, in violation of 2 U.S.C. § 441d(c)(2).

2. Respondents failed to place disclaimers on campaign signs in violation of 2 U.S.C. § 441(d)(a)(1).

3. Respondents will cease and desist from violating 2 U.S.C. §§ 441d(a)(1) and 441(d)(c) (2).

VI. Respondents will pay a civil penalty to the Federal Election Commission in the amount of Two Thousand Four Hundred dollars (\$2,400), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VII. The Commission, on request of anyone filing a complaint under 2 U.S.C. § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

2604151305

X. This Conciliation Agreement constitutes the entire agreement among the parties on the matters raised herein, and no other statement, promise or agreement, either written or oral, made by any party or by agents of any party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION

Lawrence H. Norton
General Counsel

BY:

Rhonda J. Vosdingh
Rhonda J. Vosdingh
Associate General Counsel
for Enforcement

7/12/06
Date

FOR THE RESPONDENTS

Thomas E. Linn
(Name)
(Position)

5/25/06
Date

26044151306